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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Sixteenth session

SUMMARY RECORD OF THE 310th MEETING

Held at Headquarters, New York,
on Monday, 13 January 1997, at 10 a.m.

Chairperson: Ms. CORTI

later: Ms. KHAN

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The meeting was called to order at 10.35 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared open the sixteenth session of the Committee on the Elimination of Discrimination against Women (CEDAW).

2. Ms. KING (Director of the Division for the Advancement of Women) welcomed the new members of the Committee elected at the ninth meeting of States parties to the Convention on the Elimination of All Forms of Discrimination against Women in February 1996 and congratulated the five new members who had been elected at that meeting. She expressed gratitude to the experts whose terms had ended in 1996.

3. The sixteenth session of the Committee came at an important time in the life of the United Nations, just after the appointment of the new Secretary-General and at the beginning of the year which marked the fiftieth anniversary of the Commission on the Status of Women. It also came after an important cycle of United Nations conferences that had solidified links between all parts of the United Nations system, Member States, civil society and non-governmental organizations, setting the stage for further consolidating action and implementation by those actors. The Committee had played a particularly important role in the Fourth World Conference on Women, and had already made provision for reporting on the follow-up to the Beijing Declaration and Platform for Action.

4. The Committee would be encouraged by the steady increase in the number of States that had ratified or acceded to the Convention; that number had reached 154, making universal ratification by the year 2000 a readily achievable goal. Although the Convention continued to be subject to a large number of reservations, some of which were far-reaching, progress had also been achieved in that regard. In its resolution 51/68, the General Assembly had urged States to limit the extent of any reservations they lodged, to ensure that no reservations were incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law and to review their reservations regularly with a view to withdrawing them.

5. The limitation on the Committee's meeting time in article 20 (1) of the Convention was an urgent issue. She recalled that the General Assembly, in its resolution 50/202, had approved an amendment to that provision, subject to the approval of two thirds of the States parties, and as of 10 January 1997, 11 of the latter had accepted the arrangement. As an interim measure, the General Assembly had, in its resolution 51/68, approved the Committee's request to hold two sessions annually, each of three weeks' duration. The seventeenth session of the Committee would be held in July 1997. She was confident that the interim measure would shortly be overtaken by the amendment agreed by the General Assembly in 1995, and that the provision of two sessions annually would allow the Committee to address its backlog of reports.

6. Positive steps were being taken by the Secretariat to encourage the significant number of States parties which had not submitted reports to the Committee to do so in a timely fashion. She hoped that those measures would encourage States parties to act in the spirit of the Platform for Action and regularize their reporting obligations by the year 2000.

7. Differences in legal systems, country situations and measures applied in implementing the Convention made the task of Committee members difficult yet rewarding. The Committee was the central treaty body having the task of implementing the objectives of the United Nations Charter and the Universal Declaration on Human Rights with respect to the elimination of discrimination on the basis of sex. The Committee's central role in that regard had been acknowledged in a number of ways since its last session. Concrete efforts continued to be made to strengthen the Committee's role through the proposal to develop a complaints mechanism by way of an optional protocol to the Convention. At its fortieth session in 1996, an open-ended working group of the Commission on the Status of Women had discussed the elements of such a protocol, which had been suggested by the Committee at its fourteenth session in 1995. Those deliberations would continue at the Commission's forty-first session. The Chairperson of the Working Group had also offered to provide, at one of the Committee's meetings, a briefing on developments with regard to the optional protocol. During the current year, the officers of the Committee could also hold an exchange of views with the Bureau of the Commission.

8. The Committee's central importance had also been demonstrated at the meeting of persons chairing treaty bodies in September 1996, where the Chairperson of the Committee had been elected to preside over that body. In November 1996, several members of the Committee had joined with members of the Committee on the Rights of the Child for a meeting in Cairo at which members of the two committees had been able to exchange views on matters of regional interest, including working methods and strategies to approach reservations. In December, three members of the Committee had participated in a round table organized by the United Nations Population Fund (UNFPA), the Division for the Advancement of Women and the Commission on Human Rights on human rights approaches to women's health, with a focus on reproductive and sexual health rights. That had been the first time that members of all the human rights treaty bodies had met to discuss a substantive issue.

9. During its current session, the Committee would be considering its new draft rules of procedure under agenda item 8. She suggested that the Committee should have a first reading of the draft, and that a revised draft could be prepared for the Committee's session in July 1997. That would also enable the Committee to benefit from the outcome of current consideration by the Human Rights Committee of its own rules of procedure.

10. The Committee would also be taking up the important question of relations with non-governmental organizations. The Secretariat had prepared a thorough review of the experience of other treaty bodies in that regard. She welcomed the fact that representatives of a number of non-governmental organizations were attending the session.

11. With regard to working methods, it had been proposed at a meeting of the pre-session working group that in future the Secretariat should include questions supplied by experts on the reports of States parties, so as to allow members of that group to conduct a deeper review of those reports and to discuss themes that emerged over time in respect of particular States parties.

12. She wished the Committee well in its efforts to monitor the implementation of the Convention and to develop general recommendations to ensure that the Convention continued to be an important tool for promoting women's human rights.

TRIBUTE TO THE MEMORY OF MS. IRENE CORTES, FORMER MEMBER OF THE COMMITTEE

13. At the suggestion of Ms. King, the members of the Committee observed a minute of silence.

SOLEMN DECLARATION BY THE NEW MEMBERS OF THE COMMITTEE

14. The new members of the Committee, namely, Ms. Acar, Ms. Gómez, Ms. González Martínez, Ms. Yung-Chung Kim and Ms. Ryel, made the solemn declaration provided for in rule 10 of the Committee's rules of procedure.

ELECTION OF OFFICERS

15. The CHAIRPERSON invited nominations for election to the offices of Chairperson, Vice-Chairpersons and Rapporteur for a term of two years, in accordance with article 15, paragraph 2, of the Convention and rules 13 and 14 of the Committee's rules of procedure. Speaking in her personal capacity, she nominated Ms. Khan for the office of Chairperson.

16. Ms. Khan was elected Chairperson by acclamation.

17. Ms. Khan took the Chair.

18. Ms. BARE nominated Ms. Abaka, Ms. Schöpp-Schilling nominated Ms. Bustelo García del Real and Ms. Gómez nominated Ms. Estrada Castillo for the three offices of Vice-Chairperson.

19. Ms. Abaka, Ms. Bustelo García del Real and Ms. Estrada Castillo were elected Vice-Chairpersons by acclamation.

20. Ms. BUSTELO GARCÍA DEL REAL nominated Ms. Javate de Dios for the office of Rapporteur.

21. Ms. Javate de Dios was elected Rapporteur by acclamation.

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

22. The agenda was adopted.

REPORT OF THE CHAIRPERSON ON ACTIVITIES UNDERTAKEN BETWEEN THE FIFTEENTH AND SIXTEENTH SESSIONS OF THE COMMITTEE AND CONSIDERATION OF THE REPORT OF THE SEVENTH MEETING OF PERSONS CHAIRING THE HUMAN RIGHTS TREATY BODIES AND ACTION TAKEN BY THE GENERAL ASSEMBLY CONCERNING TREATY BODIES

23. Ms. CORTI said that during the course of 1996 she had represented the Committee at various meetings, including a panel discussion on violence against women in all its forms, which had been part of the celebration of International Women's Day. She had presented a paper at a seminar on violence against women at the invitation of the French Ministry of Justice and had participated in the conference of the International Federation of Business and Professional Women, which had been held in Venice from 14 to 22 July. She had also participated in the International Conference of the Women-Mothers Association in Tunis from 10 to 12 August and in the annual meeting of the chairpersons of human rights treaty bodies which had been held in Geneva. She had met in New York with the Executive Director of the United Nations Children's Fund (UNICEF) and with the Executive Director of the United Nations Population Fund (UNFPA) to discuss proposals for future cooperation between the Funds and the Committee.

24. Turning to the activities of the Working Group on the Optional Protocol, she noted that the decision of the Chairperson to invite two experts from the Human Rights Committee to express their views on the controversial issue of justiciability had been a timely and very effective response to the concerns of many delegations. The experts had made the crucial point that, as the Convention itself was based on the principles of non-discrimination and equality, all its other provisions could be traced back to those principles. With regard to the concerns expressed by some delegations about possible overlapping should the optional protocol be adopted, the Committee's position was that the optional protocol was not repetitive and that the Convention would be inadequate without it.

25. Among the other issues that were likely to be debated were whether communications should be submitted by individuals, groups or organizations, the exhaustion of domestic remedies, anonymity, other sources of information and adequate reparation. The Committee's objective was that the best possible text should be adopted which would not only guarantee effective access by women to remedies against discrimination but would also be acceptable to Governments.

26. With reference to the note by the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights (A/51/482), it was important to elaborate new rules of procedure for the enactment of future amendments without going through the full constitutional ratification process in the States parties. The chairpersons had suggested, for example, that any new human rights treaties should be drafted to provide that if two thirds of the States parties to such a treaty found that a decision to amend was procedural, then they could amend it at a meeting of States parties without referring it to their constitutional procedures for ratification (para. 25).

27. The chairpersons had also decided to institutionalize the relationship between the treaty bodies and non-governmental organizations (para. 35) and had further recommended that, in future, treaty bodies should consider much more

carefully what kind of assistance they would like from United Nations bodies and specialized agencies and should do their utmost to describe as precisely as possible their requests to such bodies and specialized agencies (para. 51). Finally, the chairpersons's recommendation that individual treaty bodies should enhance their cooperation with regional human rights mechanisms, if implemented, could be beneficial to the Committee in many ways.

28. During her discussions with the Executive Director of UNICEF, she had made a number of concrete proposals for future cooperation between the Fund and the Committee, which had been accepted in principle. The Committee's proposals were also strongly supported by the United Nations High Commissioner for Human Rights, in particular the full integration of the gender perspective into the work of human rights treaty bodies.

29. In her meeting with the Executive Director of UNFPA, she had proposed that the Fund should consider introducing the women's human rights perspective into its training curricula and should include experts from the Committee in its training programmes. Committee experts should also be included as observers in the Fund's country missions to review national development strategies. The Executive Director of the Fund was due to attend one of the meetings of the Committee's current session, and it would therefore be useful to prepare other concrete proposals for ongoing collaboration.

30. Regarding cooperation with the United Nations Development Fund for Women during 1996, the Fund had contributed to the empowerment of women through its efforts to enhance public awareness of the Convention.

31. The recent major international conferences had provided an opportunity for her to meet with representatives of States parties, specialized agencies of the United Nations and non-governmental organizations and to participate in various workshops, seminars and tribunals on violence against women. The World Conference on Human Rights had recognized that women's rights were human rights and that the rights of women and of the girl child were an integral, indivisible and interdependent part of universal human rights. That new outlook had strengthened the Committee's cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO) in the preparation of a joint text on the right of women and girls to education as a human right.

32. For the first time in history, human rights treaty bodies had held a joint meeting on human rights approaches to women's health, with a focus on reproductive and sexual rights. Representatives from almost all the major specialized agencies concerned with the health and education of women and girls, together with non-governmental experts from every region, had also attended. The meeting had explored ways of better protecting the reproductive and sexual rights of women.

33. During 1996, the Commonwealth Medical Association (CMA) had organized a very useful seminar in Toronto on women's health as a human right, in which experts from the Committee, United Nations staff and numerous other specialists from around the world had participated. The aim of the meeting was to encourage participants to promote the implementation of the Convention and to allow the

Committee's experts to better understand the health problems of women in different regions.

34. She recalled that the Committee had responded promptly within the limits of its mandate and had denounced the massive violations of women's human rights which had taken place in Bosnia and Herzegovina and in Rwanda. In turn, in the autumn of 1996, women in Afghanistan had become victims of religious fundamentalism. There had been no time to consult the Committee, and she had assumed responsibility for responding and denouncing on the Internet the violation of women's human rights. The strong reaction of the Secretary-General had followed the Committee's protests.

35. While the Committee had done much to improve its working methods, its internal procedures for the effective consideration of reports must be further developed. Efforts must also be pursued to make the Convention as universally known as the Convention on the Rights of the Child.

36. For the first time, the Committee would be meeting twice each year and would thus have an opportunity to eliminate the backlog of unexamined reports and to devote more time and attention to the preparation and adoption of concluding comments thereon. Even two meetings a year were not sufficient, however, and the Committee's work needed to be further rationalized. The adoption during the current session of the Committee's new rules of procedure would be particularly helpful in that regard. Efforts must also be made to establish a permanent relationship with the special rapporteurs in order to keep the Committee better informed of the status of women in those countries for which special rapporteurs had been appointed.

37. Lastly, she expressed her heartfelt gratitude to all her colleagues and associates, without whose help she would have been unable to effectively discharge her responsibilities as Chairperson of the Committee.

TRIBUTE TO THE OUTGOING CHAIRPERSON

38. The members of the Committee paid tribute to the outgoing Chairperson.

39. Ms. GONZÁLEZ MARTÍNEZ requested that the outgoing Chairperson's report should be distributed to all members of the Committee.

40. Ms. SHALEV drew attention to the fact that some crucial documents, such as the report of the Working Group on the Optional Protocol and the report of the Secretariat on reservations to the Convention, were missing.

41. Ms. ABAKA said that she did not see the need for assigning experts to follow the work of various human rights committees. Since the Chairperson attended the meetings of persons chairing human rights treaty bodies, she could include in her report the decisions taken at those meetings. She suggested that experts should be assigned to help establish a permanent relationship between the Committee and the various relevant United Nations agencies and bodies. Should that suggestion be accepted, one of the working groups could take it up and report thereon at the plenary meeting.

42. Ms. CARTWRIGHT said that she would support any efforts aimed at establishing closer working relationships with non-governmental organizations.

43. Ms. CORTI said that information concerning the meetings of persons chairing the human rights treaty bodies had already been disseminated. In that context, she suggested that the Committee should find a way of publicizing its activities more widely.

44. Ms. BUSTELO GARCÍA DEL REAL suggested that Ms. Abaka's proposal, should be taken up by Working Group I.

45. Ms. SCHÖPP-SCHILLING said that, for the first time ever, she had received reports from the Geneva Centre for Human Rights on the work of other treaty bodies, a clear sign of improved communications and cooperation.

IMPLEMENTATION OF ARTICLE 21 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

46. Ms. TIMOTHY (Deputy Director of the Division for the Advancement of Women), introducing the agenda item on the implementation of article 21, said that the Committee was in the process of preparing a general recommendation on Convention articles 7 and 8, on women in political and public life. In that regard, it would have before it document CEDAW/C/1994/4. At its previous session, the Committee had drafted a text and asked Ms. Cartwright to revise it. Ms. Cartwright had prepared a revision and submitted it to the Secretariat, which was proposing a new draft text (CEDAW/C/1997/WG.II/WP.1), based on the experts' contribution as revised by Ms. Cartwright and on inputs from a consultant. The Secretariat had also benefited from the general comments of the Human Rights Committee on article 25, which concerned the right to participate in public life. She hoped that, notwithstanding its rather late submission, the draft would provide a basis for the Committee to conclude its general recommendation on Convention articles 7 and 8 at the current session.

47. Pursuant to its decision at the tenth session to receive written inputs from specialized agencies and other United Nations bodies, the Committee had received for the current session inputs from the International Labour Organization (ILO) and UNESCO. No information had been received from the World Health Organization (WHO). Working Group II might wish to consider further the question of interaction with the specialized agencies to ensure mutually beneficial results.

WAYS AND MEANS OF EXPEDITING THE WORK OF THE COMMITTEE

48. Ms. CONNORS (Chief of the Women's Rights Unit, Division for the Advancement of Women) introduced the report of the Secretariat on ways and means of expediting the work of the Committee (CEDAW/C/1997/5), which included a discussion of cooperation between the Committee and United Nations bodies and specialized agencies, together with an analysis of the practice of other treaty bodies in relation to receiving information from non-governmental organizations and to participation of the latter in the work of the treaty bodies, as requested by the Committee in its decision 15/II. However, that report had been drafted prior to the adoption of General Assembly resolution 51/68. Her

Division had recently opened a site on the World Wide Web to provide more comprehensive information on the Committee's work.

49. Working Group I also had before it a working paper containing an updated version of its draft rules of procedure (CEDAW/C/1997/WG.I/WP.1), which it had requested one of its members, Ms. Bernard, to prepare. Although, the latter had been unable to attend the current session of the Committee, she had agreed that, in the event the Committee chose to conduct a first reading of her draft and to make initial comments, she would review those comments submitted to her by the Committee and compile a revised draft for the Committee's consideration in July 1997.

50. Pursuant to the Committee's request, the Secretariat had prepared a report on reservations to the Convention (CEDAW/C/1997/4). In its consideration of that important area, the Working Group might take into account the fact that the International Law Commission was likely to take up the issue of reservations to human rights treaties later in 1997. The results of the Committee's discussions would be transmitted to the secretariat of the International Law Commission.

51. Ms. SHALEV wondered how the Committee was going to deal with the work on the optional protocol to the Convention.

52. Ms. KING (Director of the Division for the Advancement of Women) said the Secretariat had thought that the work should be dealt with in the context of the working groups. Committee members could decide on which working group would consider the optional protocol, after setting up the groups and establishing their programmes.

53. Ms. SCHÖPP-SCHILLING said that there had been a suggestion that Member States might be requested to produce a single, global report covering their reporting obligations in respect of all the human rights treaties to which they were parties, and asked whether further information was available. In addition, it was her understanding that the Secretary of the Human Rights Committee had compiled a lengthy study on the question of reservations, and she asked whether it could be made available to members of the Committee.

54. Ms. COPTI agreed that the study on reservations would be useful. As for the prospect of a global report, it had been discussed without any conclusion being reached; there was general concern that the independence of the various treaty monitoring bodies might be compromised if such a proposal were to be adopted.

55. Ms. JAVATE DE DIOS said that she would welcome closer links with specialized agencies, since that would offer the potential for more effective contributions by those agencies, for example, in the discussion of general recommendations. Working Group I should take up the question and issue guidelines. That would ensure that no member of the Committee was overloaded, as a heavier workload would result. She would also welcome looking at closer relationships with non-governmental organizations. Guidelines on that issue, for consideration at the July session, would also be welcome. The Committee might also consider the fact that the taking up of general recommendations

during the session made it difficult for it to complete its work; a long-term approach should be devised to that question.

56. The CHAIRPERSON informed the Committee of the composition of Working Group I, on ways and means of expediting the work of the Committee, and Working Group II, on ways and means of implementing article 21 of the Convention.

57. Ms. CORTI asked whether Working Group I would discuss the rules of procedure.

58. The CHAIRPERSON said that it was for the Working Group to decide.

59. Ms. BUSTELO GARCÍA DEL REAL said that Working Group I should consider the rules of procedure.

60. Ms. BARE said that Working Group I could help the Committee to identify areas of critical concern emerging from the reports of States parties to allow for more detailed analysis. The Committee currently tended to skim through all the articles of the Convention, perhaps not doing justice to all the issues raised by States parties. Tradition and culture, for example, would benefit from consideration in more depth.

61. The CHAIRPERSON said that such a proposal would normally be considered by Working Group II.

62. Ms. GONZÁLEZ said that it would be useful for there to be an initial reaction to the proposed amendments to the rules of procedure, at the working group level, to expedite work at the July session.

63. Ms. ABAKA noted that the main reason for the additional session was the backlog of reports, and asked whether the session would be devoted solely to clearing the backlog or whether other issues could be considered.

64. Ms. KING (Director of the Division for the Advancement of Women) said that the July session would be a normal session.

65. Ms. CORTI, supported by Ms. SHALEV, said that it would be useful for Working Group II to deal with the optional protocol.

66. Ms. SCHÖPP-SCHILLING agreed that Working Group I should begin consideration of the rules of procedure, and that it should also consider how to focus on the major issues raised by States parties, particularly in the case of second and subsequent reports. While a general overview was appropriate for initial reports, there was a need for more constructive dialogue in the case of subsequent reports. Now that the Committee had a second session, it really needed to rethink its procedures in general. She welcomed the tendency by States parties to elaborate in written reports, rather than orally.

67. Ms. GÓMEZ agreed that it would be productive for there to be an exchange on the rules of procedure in Working Group I so as to expedite the Committee's work at the July session.

68. Ms. AOUIJ said that cooperation and dialogue with non-governmental organizations should also be taken up by Working Group I.

The meeting rose at 1 p.m.